

108TH CONGRESS
2D SESSION

H. R. _____

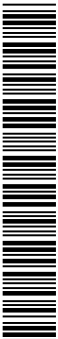
To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SIMPSON introduced the following bill; which was referred to the
Committee on _____

A BILL

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.



1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Central Idaho Economic Development and Recreation
6 Act of 2004”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND
RECREATION PROMOTION**

Sec. 101. Land conveyance, certain Sawtooth National Recreation Area lands
to Custer County, Idaho.

Sec. 102. Land conveyance, certain Challis National Forest land to Custer
County, Idaho.

Sec. 103. Land conveyance, designated National Forest Systems land to city of
Stanley, Idaho.

Sec. 104. Land conveyance authority, small miscellaneous parcels of National
Forest System land or public land in central Idaho.

Sec. 105. Stanley-Red Fish Lake bike and snowmobile trail.

Sec. 106. Support for outfitter and guide activities.

Sec. 107. Red trees phase II study regarding forest health and public safety.

Sec. 108. Compensation to County for lost revenues.

Sec. 109. Continuation of public access to Bowery National Forest Guard Sta-
tion.

TITLE II—BOULDER-WHITE CLOUD MANAGEMENT AREA

Sec. 201. Establishment of management area.

Sec. 202. Land acquisition in management area.

Sec. 203. Motorized and mechanized travel.

Sec. 204. Support and use of Idaho Off Road Motor Vehicle Program.

TITLE III—CENTRAL IDAHO WILDERNESS AREAS

Sec. 301. Additions to National Wilderness Preservation System.

Sec. 302. General administration of wilderness areas.

Sec. 303. Incorporation of acquired lands and interests.

Sec. 304. Adjacent management.

Sec. 305. Wildfire management.

Sec. 306. Water rights.

Sec. 307. Wildlife management.

Sec. 308. Native American cultural and religious uses.

Sec. 309. Military overflights.

Sec. 310. Wilderness review.



TITLE IV—WAIVER OF GRAZING PERMITS

Sec. 401. Findings and purpose.

Sec. 402. Voluntary grazing permit waiver program.

Sec. 403. Compensation.

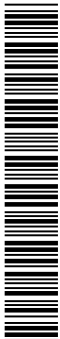
Sec. 404. Rules of construction.

1 **TITLE I—CENTRAL IDAHO ECO-**
2 **NOMIC DEVELOPMENT AND**
3 **RECREATION PROMOTION**

4 **SEC. 101. LAND CONVEYANCE, CERTAIN SAWTOOTH NA-**
5 **TIONAL RECREATION AREA LANDS TO CUS-**
6 **TER COUNTY, IDAHO.**

7 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
8 riculture, acting through the Chief of the Forest Service,
9 shall convey, without consideration, to Custer County,
10 Idaho (in this title referred to as the “County”), all right,
11 title, and interest of the United States in and to the par-
12 cels of Federal land in the Sawtooth National Recreation
13 Area identified as tract(s) _____ on the map entitled
14 _____ and dated _____,
15 2004.

16 (b) USE OF CONVEYED LAND.—In making the con-
17 veyance under subsection (a) to the County, the Secretary
18 shall include deed restrictions relating to the use of the
19 conveyed land to ensure that such use is consistent with
20 the planning process of the County and management of
21 the Sawtooth National Recreation Area.



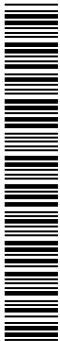
1 (c) SURVEY.—The exact acreage and legal descrip-
2 tion of the land to be conveyed under subsection (a) shall
3 be determined by a survey satisfactory to the Secretary.
4 The cost of the survey shall be borne by the County.

5 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
6 retary may require such additional terms and conditions
7 in connection with the conveyance under subsection (a) as
8 the Secretary considers appropriate to protect the inter-
9 ests of the United States.

10 **SEC. 102. LAND CONVEYANCE, CERTAIN CHALLIS NA-**
11 **TIONAL FOREST LAND TO CUSTER COUNTY,**
12 **IDAHO.**

13 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
14 riculture, acting through the Chief of the Forest Service,
15 shall convey, without consideration, to the County all
16 right, title, and interest of the United States in and to
17 approximately _____ acres of Federal land in the Challis
18 National Forest identified as tract(s) _____ on the map
19 entitled _____ and dated
20 _____, 2004.

21 (b) TREATMENT OF ROADS AND TRAILS.—In making
22 the conveyance under subsection (a) to the County, the
23 Secretary shall include deed restrictions to ensure that any
24 roads and trails located on the conveyed land remain open



1 to public use notwithstanding any subsequent conveyance
2 of the land by the County.

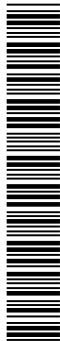
3 (c) SURVEY.—The exact acreage and legal descrip-
4 tion of the land to be conveyed under subsection (a) shall
5 be determined by a survey satisfactory to the Secretary.
6 The cost of the survey shall be borne by the County.

7 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
8 retary may require such additional terms and conditions
9 in connection with the conveyance under subsection (a) as
10 the Secretary considers appropriate to protect the inter-
11 ests of the United States.

12 **SEC. 103. LAND CONVEYANCE, DESIGNATED NATIONAL**
13 **FOREST SYSTEMS LAND TO CITY OF STAN-**
14 **LEY, IDAHO.**

15 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
16 riculture, acting through the Chief of the Forest Service,
17 shall convey, without consideration, to the city of Stanley,
18 Idaho (in this section referred to as the “City”), all right,
19 title, and interest of the United States in and to the par-
20 cels of National Forest System land identified as tract(s)
21 _____ on the map entitled _____
22 and dated _____, 2004.

23 (b) SURVEY.—The exact acreage and legal descrip-
24 tion of the land to be conveyed under subsection (a) shall



1 be determined by a survey satisfactory to the Secretary.

2 The cost of the survey shall be borne by the City.

3 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
4 retary may require such additional terms and conditions
5 in connection with the conveyance under subsection (a) as
6 the Secretary considers appropriate to protect the inter-
7 ests of the United States.

8 **SEC. 104. LAND CONVEYANCE AUTHORITY, SMALL MIS-**
9 **CELLANEOUS PARCELS OF NATIONAL FOR-**
10 **EST SYSTEM LAND OR PUBLIC LAND IN CEN-**
11 **TRAL IDAHO.**

12 (a) CONVEYANCE OF TRESPASS LAND.—The Sec-
13 retary of Agriculture, in the case of National Forest Sys-
14 tem land, and the Secretary of the Interior, in the case
15 of public land administered through the Bureau of Land
16 Management, may convey, without consideration, to the
17 County or private persons all right, title, and interest of
18 the United States in and to small parcels of National For-
19 est System land or public land that are identified as “tres-
20 pass lands” on the map entitled
21 _____ and dated _____,
22 2004, in order to resolve boundary conflicts involving such
23 land. In making a conveyance under this subsection, the
24 Secretary concerned shall include deed restrictions to en-
25 sure that any roads and trails located on the conveyed

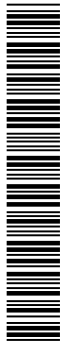


1 land remain open to public use notwithstanding the con-
2 veyance of the land.

3 (b) RECREATION AND TOURISM DEVELOPMENT.—

4 The Secretary of Agriculture, in the case of National For-
5 est System land, and the Secretary of the Interior, in the
6 case of public land administered through the Bureau of
7 Land Management, may convey, without consideration, to
8 the County or the State of Idaho all right, title, and inter-
9 est of the United States in and to small parcels of Na-
10 tional Forest System land or public land, not to exceed
11 100 acres per parcel, to permit the County and State to
12 use the land to create or expand public campgrounds, de-
13 velop tourism and recreational opportunities, and secure
14 access to trails in or in the vicinity of the Boulder-White
15 Cloud Management Area established by title II. Federal
16 land adjacent to or near Mackay Reservoir may be selected
17 by the Secretary concerned for conveyance under this sub-
18 section.

19 (c) MOTORIZED RECREATION PARKS.—The Sec-
20 retary of the Interior shall convey, without consideration,
21 to the State of Idaho all right, title, and interest of the
22 United States in and to four parcels of public land admin-
23 istered through the Bureau of Land Management, con-
24 sisting of approximately 300 acres per parcel, located near
25 Boise, Twin Falls, Idaho Falls, and Pocatello, Idaho, to



1 permit the State to use the land to create motorized recre-
2 ation parks.

3 (d) SURVEY.—The exact acreage and legal descrip-
4 tion of land to be conveyed under this section shall be de-
5 termined by a survey satisfactory to the Secretary con-
6 cerned. The cost of the survey shall be borne by the recipi-
7 ent of the land.

8 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
9 retary concerned may require such additional terms and
10 conditions in connection with a conveyance under this sec-
11 tion as the Secretary considers appropriate to protect the
12 interests of the United States.

13 **SEC. 105. STANLEY-RED FISH LAKE BIKE AND SNOWMOBILE**
14 **TRAIL.**

15 (a) DEVELOPMENT OF TRAIL.—The Secretary of Ag-
16 riculture shall design, construct, and maintain a paved
17 trail along Highway 75 between the city of Stanley, Idaho,
18 and Red Fish Lake that is designated for use—

19 (1) by pedestrians and non-motorized vehicles
20 generally; and

21 (2) as a snowmobile route when there is ade-
22 quate snow cover.

23 (b) ACQUISITION FROM WILLING SELLERS.—Any
24 land or interests in land to be acquired by the Secretary
25 for construction of the paved trail required by subsection



1 (a) shall be acquired only by donation or by purchase from
2 willing sellers.

3 (c) OTHER TRAIL CONSTRUCTION AND MAINTENANCE ACTIVITIES.—There is authorized to be appropriated \$250,000 for the construction and maintenance of
4 other trails for mechanized bikes in the State of Idaho.
5 Amounts appropriated pursuant to this authorization of
6 appropriations shall remain available until expended.

7 **SEC. 106. SUPPORT FOR OUTFITTER AND GUIDE ACTIVITIES.**

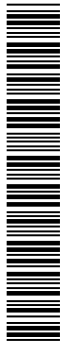
8 (a) EXISTING OPERATING PERMITS.—Before the end
9 of the one-year period beginning on the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall grant a 10-year extension of
10 each guide or outfitter operating permit that, as of the
11 date of the enactment of this Act, authorized activities on
12 lands included in the Boulder-White Cloud Management
13 Area established by title II or a wilderness area designated
14 by subtitle III. The Secretary concerned may refuse to
15 grant the extension of a permit only if the Secretary determines that the permittee has not operated in a satisfactory
16 manner in compliance with the terms and conditions of
17 the permit. The Secretary concerned may require the
18 modification of the extended permit as necessary to comply with the requirements of this Act.



1 (b) FUTURE OUTFITTER AND GUIDE ACTIVITIES.—
2 Future extensions of outfitter and guide activities and per-
3 mits for outfitters on lands included in the Boulder-White
4 Cloud Management Area established by title II or a wil-
5 derness area designated by subtitle III shall be adminis-
6 tered in accordance with this Act and other applicable land
7 or resource management plans. No person shall conduct
8 outfitter and guide activities on such Federal land except
9 as authorized by the Secretary concerned.

10 **SEC. 107. RED TREES PHASE II STUDY REGARDING FOREST**
11 **HEALTH AND PUBLIC SAFETY.**

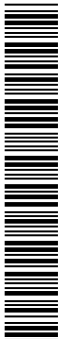
12 (a) STUDY REQUIRED.—Not later than June 1,
13 2005, the Secretary of Agriculture shall complete and sub-
14 mit to Congress a Red Trees Phase II study evaluating,
15 in accordance with Federal laws and regulations, nec-
16 essary landscape approaches to risk assessment to identify
17 forest health projects that, if implemented, will effectively
18 mitigate major fire risks on lands included in the Saw-
19 tooth National Recreation Area. The Secretary shall in-
20 clude, as part of the submission to Congress, such rec-
21 ommendations as the Secretary considers appropriate for
22 the timely implementation of the projects, the local utiliza-
23 tion of forest products derived from the projects, and con-
24 servation measures to protect soil, water, wildlife, recre-
25 ation, and scenic values.



1 (b) TREATMENT OF PROCEEDS.—Notwithstanding
2 any other provision of law, proceeds derived from any for-
3 est health project recommended as part of the study re-
4 quired by subsection (a), in excess of the costs incurred
5 to administer the project, shall be available to the Sec-
6 retary, without appropriation and until expended, to carry
7 out conservation projects in the Boulder-White Clouds
8 Management Area established by title II.

9 **SEC. 108. COMPENSATION TO COUNTY FOR LOST REVE-**
10 **NUES.**

11 Notwithstanding any other provision of law, there is
12 authorized to be appropriated to the Secretary of Agri-
13 culture not more than \$_____,000, which shall be
14 used by the Secretary to make a grant to the County in
15 the full amount so appropriated as compensation for prop-
16 erty tax revenues and other taxes or payments foregone
17 by the County as a consequence of the impacts to the local
18 economic structure caused by changes in Federal land use
19 and the acquisition of non-Federal land and interests in
20 land inside the boundaries of the Sawtooth National
21 Recreation Area since its establishment by Public Law
22 92-400 (16 U.S.C. 460aa et seq.) and by future changes
23 in land use and economic dislocation resulting from this
24 Act.



1 **SEC. 109. CONTINUATION OF PUBLIC ACCESS TO BOWERY**
2 **NATIONAL FOREST GUARD STATION.**

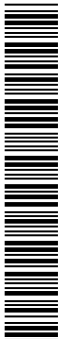
3 (a) CONSTRUCTION OF ROAD AND BRIDGE.—To en-
4 sure continued public access to the Bowery Guard Station,
5 the Secretary of Agriculture shall construct a new road
6 on National Forest System lands, no further than 100 feet
7 to the east of the existing private property line on the east
8 side of the Leisinger property, and a new bridge over West
9 Pass Creek as part of such road.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary such sums
12 as may be necessary to carry out this section. Amounts
13 appropriated pursuant to this authorization of appropria-
14 tions shall remain available until expended.

15 **TITLE II—BOULDER-WHITE**
16 **CLOUD MANAGEMENT AREA**

17 **SEC. 201. ESTABLISHMENT OF MANAGEMENT AREA.**

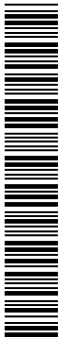
18 (a) PURPOSE.—Certain Federal lands in central
19 Idaho offer outstanding opportunities for many forms of
20 recreation, including mountain biking, snowmobiling, and
21 the use of off-road motorized vehicles. The purpose of this
22 title is to statutorily provide for the continued manage-
23 ment of these lands for these recreational opportunities,
24 as well as for conservation and resource protection in ac-
25 cordance with the existing management authorities for
26 these lands, whether the lands are lands included in the



1 Challis National Forest, lands previously included in the
2 Sawtooth National Recreation Area established by Public
3 Law 92–400 (16 U.S.C. 460aa et seq.), or public lands
4 managed by the Bureau of Land Management.

5 (b) ESTABLISHMENT.—Certain Federal lands in the
6 Challis National Forest, the Sawtooth National Recreation
7 Area, and the Challis District of the Bureau of Land Man-
8 agement, which comprise approximately _____ acres
9 and are generally depicted on the map entitled “Boulder-
10 White Cloud Management Area proposal”, are hereby es-
11 tablished as the Boulder White Cloud Management Area
12 (in this title referred to as the “management area”) and
13 shall be managed as provided by this title.

14 (c) ADMINISTRATION.—Except as otherwise provided
15 in this title, the Secretary of Agriculture, in the case of
16 National Forest System lands included in the management
17 area, and the Secretary of the Interior, in the case of pub-
18 lic lands included in the management area, in this title
19 referred to as the “Secretary concerned”, shall administer
20 the management area in accordance with this title and the
21 laws and regulations generally applicable to the National
22 Forest System lands and the public lands included in the
23 management area. Lands included in the management
24 area that are also included in the Sawtooth National



1 Recreation Area shall also be administered in accordance
2 with Public Law 92–400 (16 U.S.C. 460aa et seq.).

3 (d) DEVELOPMENT.—No new roads may be con-
4 structed within the management area, except as necessary
5 for access to campgrounds and other recreation areas as
6 determined by the Secretary concerned. Roads may be
7 maintained and relocated as necessary. The Secretary con-
8 cerned shall permit the mining and removal of gravel,
9 sand, and rock along existing roads in the management
10 area as necessary for road maintenance in accordance with
11 the applicable management plan.

12 (e) TIMBER HARVESTING.—Timber harvesting shall
13 be allowed on lands in the management area only in ac-
14 cordance with the management plan applicable to the
15 lands and for necessary control of fire, insects, and dis-
16 eases and for public safety.

17 (f) TRAIL MAINTENANCE AND IMPROVEMENT.—
18 There is authorized to be appropriated to the Secretary
19 of Agriculture and the Secretary of the Interior \$500,000
20 for trail maintenance and other improvements related to
21 outfitting, guiding, hiking, and horseback use within the
22 management area. Amounts appropriated pursuant to this
23 authorization of appropriations shall remain available
24 until expended.



1 **SEC. 202. LAND ACQUISITION IN MANAGEMENT AREA.**

2 (a) LAND AQUISITION.—The Secretary concerned
3 may acquire, by donation or purchase from willing sellers,
4 lands and interests in lands—

5 (1) located inside the boundaries of the man-
6 agement area; or

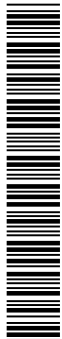
7 (2) located adjacent to the management area to
8 provide easements for additional public access to the
9 management area.

10 (b) NO USE OF CONDEMNATION.—No lands or inter-
11 ests in lands may be acquired by condemnation for inclu-
12 sion in the management area or to provide access to the
13 management area.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated not more than \$5,000,000
16 to carry out this section. Amounts appropriated pursuant
17 to this authorization of appropriations shall remain avail-
18 able until expended.

19 **SEC. 203. MOTORIZED AND MECHANIZED TRAVEL.**

20 (a) MOTORIZED AND MECHANIZED TRAVEL AU-
21 THORIZED.—Motorized and mechanized travel shall be
22 permitted in the management area, but only on designated
23 trails, routes, and areas in accordance with Forest Service
24 and Bureau of Land Management travel plans and maps
25 in existence as of September 1, 2003, which managed
26 recreation use for the specific areas, roads, and trails on



1 lands included in the management area. Not later than
2 one year after the date of the enactment of this Act, the
3 Secretary concerned shall identify such routes and trails
4 and shall prepare and make available to the public a map
5 showing such routes and trails.

6 (b) ESTABLISHMENT OR USE OF OTHER TRAILS AND
7 ROUTES.—Notwithstanding subsection (a), other trails
8 and routes may be used for motorized and mechanized
9 travel whenever the Secretary concerned considers such
10 use to be necessary for administrative purposes or to re-
11 spond to an emergency. A new trail shall be constructed
12 south from Phyllis Lake to Washington Basin and opened
13 as a two-wheel motorized and mechanized vehicle trail and
14 as a snowmobile route.

15 (c) ROUTE AND TRAIL CLOSURES.—The following
16 roads or trails shall be closed to mechanized and motorized
17 trail use as follows:

18 (1) Warm Springs Trail from 671 (from 646
19 North) and Garland Creek Trail 672.

20 (2) While Trail 104 remains open, the remain-
21 der of 671 up Warm Springs Creek from 104 will
22 be closed to motorized and mechanized trail use.

23 (d) TRAIL CLOSURES.—Resource damage that can be
24 mitigated and issues of user conflict shall not be used as
25 grounds for the closure of a trail in the management area,



1 although the Secretary concerned may close any trail or
2 route, or prohibit the use of trail or route for motorized
3 and mechanize travel, if the Secretary determines that
4 such closure or prohibition is necessary for resource pro-
5 tection or public safety.

6 (e) MITIGATION OF TRAIL CLOSURES.—If the Sec-
7 retary concerned has taken steps to mitigate resource
8 damage or public safety issues and finds it is still nec-
9 essary to close a trail, or to prohibit the use of a trail
10 for motorized and mechanized travel, in the management
11 area under subsection (d), the Secretary concerned shall
12 make available commensurate motorized recreation oppor-
13 tunities elsewhere in the management area. In deter-
14 mining what those commensurate motorized recreation op-
15 portunities should be, the Secretary concerned shall con-
16 sider both lost user miles and lost user capacity and shall
17 undertake to—

18 (1) repair resource damage and secure condi-
19 tions so that closed trails may be reopened to motor-
20 ized use;

21 (2) construct new trails;

22 (3) upgrade existing trails so as increase user
23 capacity; or



1 (4) use a combination of these methods and
2 other methods to achieve the overall mitigation ob-
3 jective.

4 (f) RELATION TO OTHER LAWS.—In considering
5 mitigation actions under subsection (e), the Secretary con-
6 cerned shall ensure that such action is consistent with the
7 overall objectives of the management area. If the lands
8 are also included in the Sawtooth National Recreation
9 Area, the Secretary concerned shall also administer the
10 action in accordance with Public Law 92–400 (16 U.S.C.
11 460aa et seq.).

12 **SEC. 204. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR**
13 **VEHICLE PROGRAM.**

14 (a) GRANT TO PROGRAM.—There is authorized to be
15 appropriated to the Secretary of Agriculture not more
16 than \$1,000,000, which shall be used by the Secretary to
17 make a grant to the State of Idaho in the full amount
18 so appropriated for deposit with the Off Road Motor Vehi-
19 cle Program of the Idaho Department of State Parks and
20 Recreation, which is used to support the acquisition, pur-
21 chase, improvement, repair, maintenance, furnishing, and
22 equipping of off-road motor vehicle facilities and sites, to
23 groom snowmobile trails, and for enforcement activities
24 and the rehabilitation of land damaged by off-road vehicle
25 users. As a condition of the grant, the State must main-

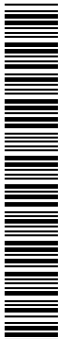


tain the grant funds as a separate account of the Off Road Motor Vehicle Program and may not use the funds except as provided by this section.

(b) USE OF GRANT FUNDS.—When the Secretary concerns determines that additional funds are required to carry out the activities described in subsection (a) in the management area, the Secretary concerned may apply for funds from the Off Road Motor Vehicle Program. Funds received under this subsection shall be used only in the management area.

(c) CONSULTATION AND RECOMMENDATIONS.—Before funds are provided under subsection (b), the Off Road Motor Vehicle Program shall consider any recommendations regarding the use of the funds made by the advisory committee established as part of the program as well as public comments.

(d) RELATION TO OTHER LAWS.—Any action undertaken using funds obtained under subsection (b) shall conform to the applicable travel plan of the Challis National Forest, the Sawtooth National Recreation Area, or the Challis District of the Bureau of Land Management.



1 **TITLE III—CENTRAL IDAHO**
2 **WILDERNESS AREAS**

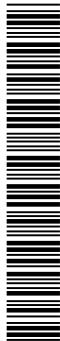
3 **SEC. 301. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
4 **VATION SYSTEM.**

5 (a) ADDITIONS.—The following lands in the State of
6 Idaho are designated as wilderness and as components of
7 the National Wilderness Preservation System:

8 (1) BOULDER WILDERNESS.—Certain Federal
9 land in the Challis National Forest, comprising ap-
10 proximately 72,500 acres, as generally depicted on
11 the map entitled “Boulder Wilderness” and dated
12 _____, which shall be known as the “Boul-
13 der Wilderness”.

14 (2) WHITE CLOUDS WILDERNESS.—Certain
15 Federal land in the Challis National Forest, com-
16 prising approximately 74,700 acres, as generally de-
17 picted on the map entitled “White Clouds” and
18 dated _____, which shall be known as the
19 “White Clouds Wilderness”.

20 (3) JERRY PEAK WILDERNESS.—Certain public
21 land administered by the Bureau of Land Manage-
22 ment, comprising approximately 146,900 acres, as
23 generally depicted on the map entitled “Jerry Peak
24 Wilderness” and dated _____, which shall
25 be known as the “Jerry Peak Wilderness”.



1 (4) ERNEST HEMINGWAY WILDERNESS.—Cer-
2 tain Federal land in the Challis National Forest and
3 certain public land administered by the Bureau of
4 Land Management, comprising approximately
5 _____ acres, as generally depicted on the
6 map entitled “Ernest Hemingway Wilderness” and
7 dated _____, which shall be known as
8 the “Ernest Hemingway Wilderness”.

9 (b) MAPS AND LEGAL DESCRIPTION.—

10 (1) IN GENERAL.—As soon as practicable after
11 the date of enactment of this Act, the Secretary of
12 Agriculture, together with the Secretary of the Inte-
13 rior in the case of the wilderness area designated by
14 paragraph (4) of subsection (a), and the Secretary
15 of the Interior, in the case of the wilderness area
16 designated by paragraph (3) of such subsection, in
17 this title referred to as the “Secretary concerned”,
18 shall file a map and legal description of the wilder-
19 ness areas designated by such subsection with the
20 Committee on Resources of the House of Represent-
21 atives and the Committee on Energy and Natural
22 Resources of the Senate.

23 (2) EFFECT.—Each map and legal description
24 shall have the same force and effect as if included
25 in this title, except that the Secretary concerned



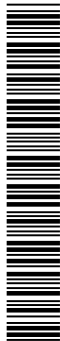
1 may correct clerical and typographical errors in the
2 map or legal description.

3 (3) AVAILABILITY.—Each map and legal de-
4 scription shall be on file and available for public in-
5 spection in the appropriate offices of the Bureau of
6 Land Management or the Forest Service.

7 (c) WITHDRAWAL.—Subject to valid existing rights,
8 the wilderness areas designated in subsection (a) are with-
9 drawn from all forms of entry, appropriation, and disposal
10 under the public land laws, location, entry, and patent
11 under the mining laws, and operation of the mineral leas-
12 ing, mineral materials, and geothermal leasing laws.

13 **SEC. 302. GENERAL ADMINISTRATION OF WILDERNESS**
14 **AREAS.**

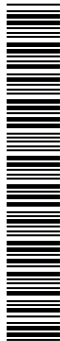
15 (a) APPLICATION OF WILDERNESS ACT.—Subject to
16 valid existing rights, the wilderness areas designated by
17 section 301 shall be managed by the Secretary concerned
18 in accordance with the Wilderness Act (16 U.S.C. 1131
19 et seq.) and this title. With respect to the wilderness areas,
20 any reference in the Wilderness Act to the effective date
21 of the Wilderness Act shall be deemed to be a reference
22 to the date of the enactment of this Act, and any reference
23 in the Wilderness Act to the Secretary of Agriculture shall
24 be deemed to be a reference to the Secretary concerned.



1 (b) CONSISTENT INTERPRETATION TO THE PUB-
2 LIC.—Although the wilderness areas designated by section
3 301 consist of National Forest System land under the ju-
4 risdiction of the Secretary of Agriculture and public land
5 under the jurisdiction of the Secretary of the Interior, the
6 Secretary of Agriculture and the Secretary of the Interior
7 shall collaborate to assure that the wilderness areas are
8 interpreted to the public as an overall complex tied to-
9 gether by common location in the Boulder-White Cloud
10 Mountains and common identity with the natural and cul-
11 tural history of the State of Idaho and its Native Amer-
12 ican and pioneer heritage.

13 (c) COMPREHENSIVE WILDERNESS MANAGEMENT
14 PLAN.—Not later than three years after the date of the
15 enactment of this Act, the Secretary of Agriculture and
16 Secretary of the Interior shall collaborate to develop a
17 comprehensive wilderness management plan for the wil-
18 derness areas designated by section 301. The completed
19 management plan shall be submitted to the Committee on
20 Resources of the House of Representatives and the Com-
21 mittee on Energy and Natural Resources of the Senate.

22 (d) FIRE, INSECTS, AND DISEASES.—Within the wil-
23 derness area designated by section 301, the Secretary con-
24 cerned may take such measures as the Secretary con-
25 cerned determines to be necessary for the control of fire,



1 insects, and diseases, subject to such conditions as the
2 Secretary concerned considers desirable, as provided in
3 section 4(d)(1) of the Wilderness Act (16 U.S.C.
4 1131(d)(1)).

5 (e) WILDERNESS TRAILS AND TRAILHEADS.—

6 (1) CONSTRUCTION OF NEW TRAILHEAD.—The
7 Secretary of _____ [which Secretary?] shall con-
8 struct a new trailhead for nonmotorized users and
9 improve access to the Wickiup Trail (#684) and at
10 the Big Boulder Trailhead to separate motorized/
11 mechanized users from nonmotorized/mechanized
12 users.

13 (2) INCLUSION OF ACCESSIBLE TRAILS.—The
14 Secretary of _____ [which Secretary?] shall es-
15 tablish wheelchair accessible trails into the wilder-
16 ness area designated by section 301(____) [which of
17 the four wilderness areas does this apply to?] along
18 the Fourth of July Creek trail and near the Bowery
19 Creek Guard Station along the West Fork of the
20 East Fork of the Salmon River. The Secretary con-
21 cerned may consider the addition of other wheelchair
22 accessible trails as appropriate.

23 (f) TREATMENT OF EXISTING CLAIMS AND PRIVATE
24 LANDS.—Nothing in this title is intended to affect the
25 rights or interests in real property, patented mining



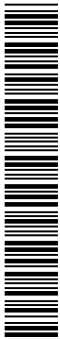
1 claims, or valid claims or prevent reasonable access for
2 the development and use of valid mineral rights. The Sec-
3 retary concerned may enter into negotiations with the
4 holder of a patented claim or valid claim located in a wil-
5 derness area designated by section 301 for the voluntary
6 relinquishment of the claim.

7 (g) GRAZING.—Grazing of livestock in a wilderness
8 area designated by section 301, where established before
9 the date of the enactment of this Act, shall be adminis-
10 tered in accordance with the provisions of section 4(d)(4)
11 of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108
12 of Public Law 96–560, and section 101(f) of Public Law
13 101–628, and in accordance with the guidelines set forth
14 in Appendix A of House Report 96–617 of the 96th Con-
15 gress and House Report 101–405 of the 101st Congress.

16 (h) COMMERCIAL OUTFITTERS AND SADDLE AND
17 PACK STOCK.—Nothing in this title shall preclude horse-
18 back riding or the entry of recreational saddle or pack
19 stock into the wilderness areas designated by section 301,
20 including when such entry is made by commercial outfit-
21 ters.

22 **SEC. 303. INCORPORATION OF ACQUIRED LANDS AND IN-**
23 **TERESTS.**

24 Any land or interest in land located inside the bound-
25 aries of a wilderness area designated by section 301 that



1 is acquired by the United States after the date of the en-
2 actment of this Act shall be added to and administered
3 as part of the wilderness area.

4 **SEC. 304. ADJACENT MANAGEMENT.**

5 (a) NO PROTECTIVE PERIMETERS OR BUFFER
6 ZONES.—Congress does not intend for the designation of
7 the wilderness areas by section 301 to lead to the creation
8 of protective perimeters or buffer zones around any such
9 wilderness area.

10 (b) NONWILDERNESS ACTIVITIES.—The fact that
11 nonwilderness activities or uses outside of a wilderness
12 area designated by section 301 can be seen or heard from
13 inside of the wilderness area shall not preclude the conduct
14 of those activities or uses outside the boundaries of the
15 wilderness area.

16 **SEC. 305. WILDFIRE MANAGEMENT.**

17 Consistent with section 4 of the Wilderness Act (16
18 U.S.C. 1133), nothing in this title precludes a Federal,
19 State, or local agency from conducting wildfire manage-
20 ment operations, including operations using aircraft or
21 mechanized equipment, to manage wildfires in the wilder-
22 ness areas designated by section 301.

23 **SEC. 306. WATER RIGHTS.**

24 (a) FINDINGS.—Congress finds the following:



1 (1) The lands designated as wilderness areas by
2 section 301 are located at the headwaters of the
3 streams and rivers on those lands, with few, if any,
4 actual or proposed water resource facilities located
5 upstream from such lands and few, if any, opportu-
6 nities for diversion, storage, or other uses of water
7 occurring outside such lands that would adversely
8 affect the wilderness values of such lands.

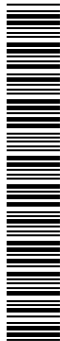
9 (2) The lands designated as wilderness areas by
10 section 301 are not suitable for use for development
11 of new water resource facilities or for the expansion
12 of existing facilities.

13 (3) Therefore, it is possible to provide for prop-
14 er management and protection of the wilderness
15 value of the lands designated as wilderness areas by
16 section 301 in ways different from the ways utilized
17 in other laws designating wilderness areas.

18 (b) PURPOSE.—The purpose of this section is to pro-
19 tect the wilderness values of the lands designated as wil-
20 derness areas by section 301 by means other than a feder-
21 ally reserved water right.

22 (c) STATUTORY CONSTRUCTION.—Nothing in this
23 title—

24 (1) shall constitute, or be construed to con-
25 stitute, either an express or implied reservation by



1 the United States of any water or water rights with
2 respect to the wilderness areas designated by section
3 301;

4 (2) shall affect any water rights in the State of
5 Idaho existing on the date of the enactment of this
6 Act, including any water rights held by the United
7 States;

8 (3) shall be construed as establishing a prece-
9 dent with regard to any future wilderness designa-
10 tions;

11 (4) shall be construed as limiting, altering,
12 modifying, or amending any of the interstate com-
13 pacts or equitable apportionment decrees that appor-
14 tion water among and between the State of Idaho
15 and other States; and

16 (5) shall be construed as limiting, altering,
17 modifying, or amending provisions of Public Law
18 92-400, which established the Sawtooth National
19 Recreation Area (16 U.S.C. 460aa et seq.).

20 (d) IDAHO WATER LAW.—The Secretary concerned
21 shall follow the procedural and substantive requirements
22 of the law of the State of Idaho in order to obtain and
23 hold any water rights not in existence on the date of the
24 enactment of this Act with respect to the wilderness areas
25 designated by section 301.



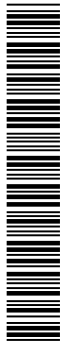
1 (e) NEW PROJECTS.—

2 (1) PROHIBITION.—Except as otherwise pro-
3 vided in this Act, on and after the date of the enact-
4 ment of this Act, neither the President nor any
5 other officer, employee, or agent of the United
6 States shall fund, assist, authorize, or issue a license
7 or permit for the development of any new water re-
8 source facility inside any of the wilderness areas des-
9 ignated by section 301.

10 (2) DEFINITION.—In this subsection, the term
11 “water resource facility” means irrigation and
12 pumping facilities, reservoirs, water conservation
13 works, aqueducts, canals, ditches, pipelines, wells,
14 hydropower projects, and transmission and other an-
15 cillary facilities, and other water diversion, storage,
16 and carriage structures.

17 **SEC. 307. WILDLIFE MANAGEMENT.**

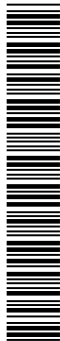
18 (a) STATE JURISDICTION.—In accordance with sec-
19 tion 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
20 nothing in this title affects or diminishes the jurisdiction
21 of the State of Idaho with respect to fish and wildlife man-
22 agement, including the regulation of hunting, fishing, and
23 trapping, in the wilderness areas designated by section
24 301.



1 (b) MANAGEMENT ACTIVITIES.—In furtherance of
2 the purposes and principles of the Wilderness Act, man-
3 agement activities to maintain or restore fish and wildlife
4 populations and the habitats to support such populations
5 may be carried out within wilderness areas designated by
6 section 301 where consistent with relevant wilderness
7 management plans, in accordance with appropriate poli-
8 cies such as those set forth in Appendix B of House Re-
9 port 101–405 of the 101st Congress, including the occa-
10 sional and temporary use of motorized vehicles, if such
11 use, as determined by the Secretary concerned is the min-
12 imum impact necessary to reasonably accomplish the task.

13 (c) USE OF AIRCRAFT.—Consistent with section
14 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
15 in accordance with appropriate policies such as those set
16 forth in Appendix B of House Report 101–405 of the
17 101st Congress, the State of Idaho may continue to use
18 aircraft, including helicopters, to survey, capture, trans-
19 plant and monitor bighorn sheep and mountain goats.

20 (d) HUNTING, FISHING, AND TRAPPING.—Nothing in
21 this title shall affect hunting, fishing, and trapping, under
22 applicable State and Federal laws and regulations, in the
23 wilderness areas designated by section 301. The Secretary
24 concerned may designate, by regulation in consultation
25 with the appropriate State agency (except in emergencies),



1 areas in which, and establish periods during which, for
2 reasons of public safety, administration, or compliance
3 with applicable laws, no hunting, fishing, or trapping will
4 be permitted in the wilderness areas.

5 **SEC. 308. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
6 **USES.**

7 Nothing in this title shall be construed to diminish
8 the rights of any Indian tribe. Nothing in this title shall
9 be construed to diminish tribal rights regarding access to
10 Federal lands for tribal activities, including spiritual, cul-
11 tural, and traditional food-gathering activities.

12 **SEC. 309. MILITARY OVERFLIGHTS.**

13 Nothing in this title restricts or precludes—

14 (1) low-level overflights of military aircraft over
15 the wilderness areas designated by section 301, in-
16 cluding military overflights that can be seen or
17 heard within the wilderness areas;

18 (2) flight testing and evaluation; or

19 (3) the designation or creation of new units of
20 special use airspace, or the establishment of military
21 flight training routes, over the wilderness areas.

22 **SEC. 310. WILDERNESS REVIEW.**

23 (a) NATIONAL FORESTS.—Section 5 of Public Law
24 92–400 (16 U.S.C. 460aa–4), which required a review of
25 the undeveloped and unimproved portion or portions of the



1 Sawtooth National Recreation Area established by that
2 Act as to suitability or nonsuitability for preservation as
3 part of the National Wilderness Preservation System, is
4 repealed.

5 (b) PUBLIC LANDS.—

6 (1) FINDING.—Congress finds that, for the pur-
7 pose of section 603 of the Federal Land Policy and
8 Management Act of 1976 (43 U.S.C. 1782), the
9 public land administered by the Bureau of Land
10 Management in the following areas have been ade-
11 quately studied for wilderness designation:

12 (A) The Jerry Peak Wilderness Study
13 Area.

14 (B) The Jerry Peak West Wilderness
15 Study Area.

16 (C) The Corral-Horse Basin Wilderness
17 Study Area.

18 (D) The Boulder Creek Wilderness Study
19 Area.

20 (2) RELEASE.—Any public land described in
21 paragraph (1) that is not designated as wilderness
22 by this title—

23 (A) is no longer subject to section 603(c)
24 of the Federal Land Policy and Management
25 Act of 1976 (43 U.S.C. 1782(c)); and



1 (B) shall be managed in accordance with
2 land management plans adopted under section
3 202 of that Act (43 U.S.C. 1712).

4 **TITLE IV—WAIVER OF GRAZING**
5 **PERMITS**

6 **SEC. 401. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Grazing allotments on the lands designated
9 as wilderness by title III, and on other nearby Na-
10 tional Forest System lands, have been reduced re-
11 peatedly by Forest Service decisions reflecting
12 changes in the management of such lands.

13 (2) Future management changes for these lands
14 directed to the watershed recovery for the purposes
15 of restoration of endangered fish populations may
16 result in additional grazing restrictions.

17 (3) Many of the ranching families who have
18 used these lands have found themselves unable to
19 survive economically or to recapture lost economic
20 opportunities as a consequence of the location of
21 their ranching operations.

22 (b) PURPOSE.—The purpose of this title is to protect
23 the environmental integrity of the lands designated as wil-
24 derness by title III and to offer economic options for tradi-
25 tional users of such lands who have been adversely im-



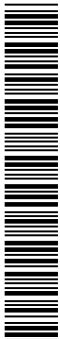
1 pacted by past changes, and will be adversely impacted
2 by future changes, in the management of such lands.

3 **SEC. 402. VOLUNTARY GRAZING PERMIT WAIVER PRO-**
4 **GRAM.**

5 (a) ELIGIBILITY FOR PARTICIPATION.—Only persons
6 holding valid grazing permits located in whole or in part
7 in a wilderness area designated by title III, in the Saw-
8 tooth National Recreation Area, or in the watershed of
9 the East Fork Salmon River shall be eligible to participate
10 in the voluntary grazing permit waiver program under this
11 title.

12 (b) NOTICE OF PARTICIPATION.—If a person de-
13 scribed in subsection (a) desires to participate in the vol-
14 untary grazing permit waiver program under this title, the
15 person shall notify the Secretary of Agriculture by letter,
16 not later than 180 days after the date of the enactment
17 of this Act, of the voluntary decision of the person to par-
18 ticipate in the program in exchange for compensation
19 under section 403. Nothing in this subsection prevents a
20 person described in subsection (a) from waiving, at any
21 time, a grazing permit without compensation.

22 (c) WAIVER.—In the notification submitted under
23 subsection (b), the person shall agree to waive the valid
24 grazing permit authorizing livestock grazing on grazing al-
25 lotments located in whole or in part on lands described



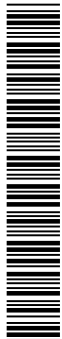
1 in subsection (a). The waiver shall take effect on the date
2 the person receives the compensation provided under sec-
3 tion 403, the date the person makes the waiver by dona-
4 tion, or the date the person receives appropriate com-
5 pensation from a third party, whichever occurs first. Not-
6 withstanding any other provision of law, a person who
7 waives a permit under this section shall be deemed to have
8 waived any claim to all range developments on the subject
9 grazing allotment or allotments.

10 (d) CANCELLATION.—Not later than 30 days after
11 receiving a waiver notification under subsection (b), the
12 Secretary shall cancel the permitted grazing on the Na-
13 tional Forest System lands in the allotments covered by
14 the notification. Upon cancellation, grazing permits shall
15 be prohibited in the areas where permits were waived, and
16 no future management allocations for grazing shall be per-
17 mitted.

18 (e) TREATMENT OF VACANT ALLOTMENTS.—Any va-
19 cant, unallocated grazing allotments in existence on lands
20 described in subsection (a) shall not be made available to
21 any person after the date of the enactment of this Act.

22 **SEC. 403. COMPENSATION.**

23 (a) ELIGIBILITY AND AMOUNT OF COMPENSATION.—
24 The Secretary shall make a payment to a person described
25 in subsection (a) of section 402 who waives a grazing per-



1 mit as provided in subsection (b) of such section in the
2 amount of \$_____. If the person is in arrears of Fed-
3 eral grazing fees, the amount of fees in arrears shall be
4 deducted from the amount of compensation otherwise due
5 the person under this subsection.

6 (b) EXCEPTIONS.—Compensation shall not be pro-
7 vided under this section if the person waives the permit
8 by donation. The amount of any compensation the person
9 receives from a third party for the waiver of the permit
10 shall be deducted from the amount of compensation other-
11 wise due the person under subsection (a).

12 **SEC. 404. RULES OF CONSTRUCTION.**

13 Nothing in this title shall be construed to affect the
14 authority of the Secretary to otherwise modify or termi-
15 nate grazing permits or leases without compensation, ex-
16 cept that nothing in this title shall be construed to author-
17 ize the use of eminent domain for such purpose. Nothing
18 in this title shall be construed to create a property right
19 in any grazing permit or lease on Federal lands or to es-
20 tablish a precedent for future grazing permit buyout pro-
21 grams.

